

City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
June 11, 2003

Mayor David Dermer
Vice-Mayor Luis R. Garcia, Jr.
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Saul Gross
Commissioner Jose Smith
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

- PA1 Check Presentation of \$100,000 to CMB, Renovate Flamingo Park Football Field.
- PA2 D-Scholarship Awards from Center Plate, SMG & GMCVB.
- PA3 Certs. of Apprec./S. Thomas & L. Shishido, "At Your Service Award" Winners for April & May 2003.
- PA4 **New Item:** Proclamation/Gary Glick, Nominated to the "MBSHS Hall of Fame." (Dermer)
- PA5 **New Item:** Cert. of Apprec./MBPD Personnel, Help make Memorial Day Weekend Successful. (Cruz)
- PA6 **New Item:** Proclamation/In Memory of Reverend Nagy, Many Years of Giving the Invocation at CMB.

- C2A Issue P.O., Purchase (2) Utility Body Trucks and (1) Pick Up Truck, \$76,410.45.
- C2B Issue P.O., Purchase (1) Hydraulic Crane Utility Body Truck, \$42,229.
- C2C BA 28-02/03, Provide Armored Car Security Services, \$31,656.
- C2D BA 7-02/03, Purchase Air Conditioning & Refrigeration Parts/Supplies, \$80,000.

- C4A Ref: Neighborhoods Committee - Relocation of Water Meters from Read Easements to Row.

- C6A Report: Special Finance & Citywide Projects Committee Meeting of May 12, 2003.
- C6B Report: Community Affairs Committee Meeting of May 20, 2003.
- C6C Report: General Obligation Bond Oversight Committee Meeting of June 2, 2003.
- C6D Report: Community Affairs Committee Meeting of June 5, 2003.

- C7A Re-Appoint Judge Newman as Chief Special Master, July 1 - December 31, 2003.
- C7B Elect Commissioner Matti Herrera Bower as Vice-Mayor, July 1 - October 31, 2003.
- C7C Set Public Hearing, Consider Renaming Island View Park, "Maurice Gibb Memorial Park.
- C7D Set Public Hearing, Consider Establishing a "Maurice Gibb Pavilion" at Island View Park.
- C7E Approve Change Order, Supply & Installation of (4) Cooling Towers at MBCC.
- C7F Issue Certification of Consistency to HACOMB, Five Year Plan for FY 2002-2006
- C7G Issue Certification of Consistency to Douglas Gardens, Housing for Homeless w/ Disabilities.
- C7H Issue Certification of Consistency to Barry University, Provide Services to North Beach Area.
- C7I Approve Final (1) Year Renewal, Valet Parking Services for MBCC & TOPA.
- C7J Increase S.O., Golf Cart Storage & Electrical Charging Facility at MB Golf Club.

- C7K Set Public Hearing, Consider Raising Franchise Fee Paid by Private Waste Contractors.
 C7L Execute Interlocal Agmt w/ Miami-Dade County, Provision of the Electrowave Shuttle Service.

REGULAR AGENDA

- R2A BA 27-02/03, ADA & Public Interior Design Enhancement Renovations for TOPA.
- R5A **10:30 a.m. 1st Rdg**, Revisions to Parking Lots or Regulations on Certain Lots (Ocean Drive). **5/7**
 R5B **10:45 a.m. 2nd Rdg**, Parking for Special Events.
 R5C **11:00 a.m. 2nd Rdg**, Construction Hours during Daylight Savings Time.
 R5D **11:05 a.m. 2nd Rdg**, Implement Procedures to Provide Local Preference to MB-Based Vendors.
 R5E **11:10 a.m. 2nd Rdg**, Single Family Designation and Development Procedures. **5/7**
 R5F **11:15 a.m. 2nd Rdg**, Amendments to Sign Regulations. **5/7**
 R5G **11:30 a.m. 2nd Rdg**, Timeframes to Obtain a Building Permit. **5/7**
 R5H **5:01 p.m. 2nd Rdg**, Restriction of Outdoor/Open Air Entertainment in R-PS & C-PS Districts. **5/7**
 R5I **1st Rdg**, Provisions to Adult Entertainment Establishments. (Cruz)
- R6A Verbal Report: Joint Fin. & Citywide Projects & Land Use & Devlp't Comm. Mtg of June 4, 2003.
- R7A **10:00 a.m. Joint**, Approve Amendments to City Center & South Pointe Revitalization Plan.
 R7B **10:15 a.m.** Accept Proposals for Group Employee Benefits, Renew Group Medical & Dental.
 R7C Approve Final (1) Year Renewal, Parking Cashiers, Attendants, & Supervisors.
 R7D **2:15 p.m.** Issue G.O. Bonds, Fire Dept., Parks & Beaches, & Neighborhood Infrastructure Proj.
 R7E Pass/Adopt Amendment to Interlocal Agmt, City Center Historic Village Redevelopment Plan.
- R9A Board and Committee Appointments.
 R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
 R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
 R9C Disc. Proposed Amendments to the Existing Debarment & Lobbying Ordinances. (Smith)
 R9D Disc. Status of Altos Del Mar Park. (Smith)
 R9E **2:00 p.m.** Presentation by FDOT re: Proposed Roadway Safety Project for Harding Ave. (Garcia)
 R9F Disc. Provide Updates of Comm. Agendas/After Actions/Mtg. Notices to the Public. (Steinberg)
 R9G **3:00 p.m.** Disc. Status of Negotiations w/ CWA on IZOD Co. Uniform Sponsorship. (Steinberg)
 R9H Disc./Referral, Changes to Miami-Dade County's Lobbying Ordinance. (Dermer)
 R9I **10:05 a.m.** Report on Discussion re: Royal Palm Hotel. (Dermer)
 R9J Disc. Funding of Consultant Services for the 63rd Street Flyover Study. (Steinberg)409/**SM**
- R10A **Noon Break**, Executive Session: La Gorce Country Club, Inc., vs. CMB.**A**
 R10B **Noon Break**, Executive Session: Da Mortgage, Inc., Vs. CMB. **A**

Meeting called to order at 9:20:47 a. m.

Pledge of Allegiance led by Police Major Carlos Noriega.

Inspirational message given by Father Enrique Estrada from St. Patrick's Catholic Church.

Times based on the digital recording in the TV Control Room.

Supplemental Materials: R9J (Revised Memorandum)

Addendum Items: C7K, C7L, R9K, R10A and R10B

ACTION: Motion made by Commissioner Smith to add items: C7K, C7L, R9K, R10A, R10B, and a new item R9K (report on Rapid Transportation in Miami Beach) as emergency items; seconded by Commissioner Bower; Voice vote: 7-0.

PA - Presentations and Awards

- PA1 Check Presentation Of \$100,000 To MBCDC From The National Football League And The Local Initiatives Support Corporation, For Funds To Renovate Flamingo Park Football Field.
(Grants Management)

ACTION: Check presented by Dennis Russ with the Local Initiatives Support Corporation (LISC).

Roberto Datorre, President of Miami Beach Community Development Corp., spoke.

- PA2 Scholarship Awards From Center Plate, SMG And GMCVB.
(Convention Center)

ACTION: Item deferred.

- PA3 Certificates Of Appreciation To Be Presented To Employee Of The Month/"At Your Service Award" Winners For The Months Of April And May 2003.
(City Manager's Office)

ACTION: Certificates presented to Shirley Thomas from Procurement Department for the Month of April 2003, and Luis Shishido from Property Maintenance for the Month of May, 2003.

- PA4 Proclamation To Be Presented To Gary Glick For Being Nominated For The Miami Beach Senior High School Hall Of Fame.
(Commissioner Richard L. Steinberg)

ACTION: Proclamation presented.

State Representative Dan Gelber spoke.

- PA5 Certificate Of Appreciation To Be Presented to The Men and Women Of The Miami Beach Police Department For Their Devotion and Support During The Memorial Day Weekend.
(Commissioner Simon Cruz)

ACTION: Certificate presented.

- PA6 Proclamation To Be Presented In Memory of Reverend John Paul Nagy For His Many Years Of Giving The Invocation At The Miami Beach City Commission Meetings.

ACTION: Proclamation presented to Reverend Nagy's daughter Mrs. Gloria Vecsesi, granddaughter Kristina Vecsesi and Reverend Nagy's son Peter Nagy.

CONSENT AGENDA

ACTION: Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Commissioner Cruz;

Voice vote: 7-0.

C2 - Competitive Bid Reports

- C2A Request For Approval To Issue A Purchase Order, In The Amount Of \$76,410.45, Pursuant To State Of Florida Contract No. 070-001-03-1, To Don Reid Ford For The Purchase Of Two (2) 2003 Ford F-350 4x2 Crew Cab Utility Body Trucks And One (1) 2003 Ford F-250 4x2 Crew Cab Pick Up Truck.
(Fleet Management)

ACTION: Award approved. Gus Lopez to issue Purchase Order. Drew Terpak to handle.

- C2B Request For Approval To Issue A Purchase Order, In The Amount Of \$42,229, Pursuant To Florida State Contract No. 02-10-0826, To Duval Ford For The Purchase Of One (1) 2003 Ford F-350 4x4 Hydraulic Crane Utility Body Truck.
(Fleet Management)

ACTION: Award approved. Gus Lopez to issue Purchase Order. Drew Terpak to handle.

- C2C Request For Approval To Award A Contract To Brinks, Inc. Pursuant To Bid No. 28-02/03, To Provide Armored Car Security Services In The Estimated Annual Amount Of \$31,656.
(Parking Department)

ACTION: Contract approved. Saul Frances to handle.

- C2D Request For Approval To Award Bids To Various Vendors Pursuant To Bid No. 7-02/03, For The Purchase Of Air Conditioning And Refrigeration Parts And Supplies, In The Estimated Total Annual Amount Of \$80,000.
(Public Works)

ACTION: Award approved. Gus Lopez to issue Purchase Orders. Fred Beckmann to handle.

C4 - Commission Committee Assignments

- C4A Referral To The Neighborhoods Committee - Relocation Of Water Meters From Rear Easements To Row.
(Capital Improvement Projects)

ACTION: Item referred. Vivian Guzman to place on the agenda. Tim Hemstreet to handle.

C6 - Commission Committee Reports

- C6A Report Of The Special Finance And Citywide Projects Committee Meeting Of May 12, 2003: **1) Discussion Regarding City Fees For FY 2003/04.**

ACTION: Written report submitted.**Item 1. Sidewalk Café Fees - Kevin Crowder to handle.**

The Committee directed the Administration to:

Draft an amendment to the Sidewalk Café Ordinance increasing the sidewalk café fee from the current rate of \$10.00 a square foot per year to the new rate of \$15.00 a square foot per year over the span of a two year period at an annual increase of \$2.50 a square foot per year, with the new rate to take effect immediately upon approval of said ordinance.

Add an escalator to the ordinance permitting the City to responsibly increase said fees on an annual basis per the Consumer Price Index (CPI).

Begin charging, those businesses occupying more square footage than approved, the appropriate sidewalk café fee based on the actual square footage occupied.

Bring back the updated ordinance to the full Commission for approval once the recommended amendments have been drafted.

Item 2. Occupational Licenses- Patricia Walker to handle.

The Committee directed the Administration to:

Draft an amendment to the Occupational License Ordinance increasing the Occupational License Fee by five percent (5%), with the new rate to take effect immediately upon approval of said ordinance and to be due by all existing licensed businesses commencement with their annual due date of September 30, 2003.

Add an escalator to the ordinance permitting the City to responsibly increase said license fees on a bi-annual basis per the Consumer Price Index (CPI) and subject to Florida Statute 205 which states that the maximum amount an occupational licenses can increase is 5% every other year.

Add the classification for an Adult Entertainment Establishment with an annual occupational license rate of \$5,000 per year.

Bring back the updated ordinance to the full Commission for approval once the recommended amendments have been drafted.

Item 3. Certificate of Use - Patricia Walker to handle.

The Committee directed the Administration to:

Draft an amendment to the Building Regulation Ordinance, Section 8-3 (h), entitled Certificate of Use, increasing the Certificate of Use Fee by ten percent (10%), with the new rate to take effect immediately upon approval of said ordinance and to be due by all existing Certificate of Use holders commencement with their annual due date of September 30, 2003.

Add an escalator to the ordinance permitting the City to responsibly increase certificate of use fees on an annual basis per the Consumer Price Index (CPI).

Bring back the updated ordinance to the full Commission for approval once the recommended amendments have been drafted.

Item 4. Fire Inspection Fee - Patricia Walker to handle.

The Committee directed the Administration to:

Complete an analysis of what other comparable municipalities and Miami-Dade County are charging for Fire Inspection Fees.

Complete a draft amendment to the Fire Inspection Fee Ordinance incorporating an increase of 15% for the Fire Inspection Fee, with the new rate to take effect immediately upon approval of said ordinance and to be due in conjunction with the due date for Occupational Licenses and the Certificate of Use.

Add an escalator to the Fire Inspection Fee ordinance permitting the City to responsibly increase fees on an annual basis per the Consumer Price Index (CPI).

Bring back the updated Fire Inspection Fee ordinance to the full Commission for approval once the recommended amendments have been drafted.

Item 5. Fire Occupant Load Inspection

The Committee rejected the proposed Fire Occupant Load Inspection Fee.

The Committee directed the Administration to:

Complete an analysis of what other comparable municipalities and Miami-Dade County are charging for Occupational Licenses for Dancehalls and Nightclubs and amend the Occupational License Code to better match the costs.

Add an escalator to the fee permitting the City to responsibly increase fees on an annual basis per the Consumer Price Index (CPI).

Bring back the updated ordinance to the full Commission for approval once the recommended amendments have been drafted.

Item 6. Fire Plan Review Permit Fees - Hamid Dolikhani to handle.

The Committee directed the Administration to:

Complete an analysis of what other comparable municipalities and Miami-Dade County are charging for Fire Plan Review Permit Fees.

Bring back to the Finance and Citywide Projects Committee an analysis and recommended rate for the Fire Plan Review Permit Fees.

Item 7. Building Permit Fees - Hamid Dolikhani to handle.

The Committee directed the Administration to:

Draft an amendment to the Building Permit Fee Ordinance increasing fees in order to recover costs associated with running the department.

Maintain fees in line with what other comparable municipalities and Miami-Dade County are charging for like services, with the new rate to take effect immediately upon approval of amended ordinance.

Add an escalator to the ordinance permitting the City to responsibly increase Building Permit fees on an annual basis per the Consumer Price Index (CPI).

Explore the capabilities of offering an online application process over the internet.

Bring back the updated ordinance to the full Commission for approval once the recommended amendments have been drafted.

Item 8. Space Rental fees for Valet Parking on Ocean Drive/ 5th to 16th Street - Saul Frances to handle.

The Committee directed the Administration to meet with Ocean Drive Property Owners and Valet Parking Operators to map out and develop a plan for what should be done on Ocean Drive with respect to space rental fees for Valet Parking on Ocean Drive/ 5th to 16th Street. The Committee directed the Administration to bring back the plan to the Finance and Citywide Projects Committee for review.

Item 9. Review of Parks and Recreation User Fees - Kevin Smith to handle.

The Committee directed the Administration to:

Send the proposed user fees to the Parks and Recreation Facilities Board for further review and input.

Draft an amendment to the Parks and Recreation User Fees Ordinance, increasing the fees in order to recover some of the costs associated with operations and maintenance.

Maintain fees in line with what other comparable municipalities and Miami-Dade County are charging for like amenities and programs, with the new rate to take effect immediately upon approval of amended ordinance.

To add an escalator to the ordinance permitting the City to responsibly increase Parks and Recreation User fees on an annual basis per the Consumer Price Index (CPI).

Bring back the updated ordinance, after review by the Parks and Recreation Facilities Board, to the Finance and Citywide Projects Committee for approval once the recommended amendments have been drafted.

- C6B Report Of The Community Affairs Committee Meeting Of May 20, 2003: **1)** Discussion Regarding A Memorial In Honor Of The Late Maurice Gibb.

ACTION: Written report submitted.

Item 1.

A motion was made by Commissioner Bower, seconded by Commissioner Steinberg, recommending approval of this request to the City Commission and for the Administration to coordinate a meeting with staff from Capital Improvement Projects office, Building Department and the Planning Department for the design of the gazebo. See item C7D.

A motion was made by Commissioner Steinberg, seconded by Commissioner Bower, recommending approval of the request to the City Commission for the re-naming of the park to be placed on the ballot for the November 2003 election. See item C7C.

- C6C Report Of The General Obligation Bond Oversight Committee Meeting Of June 2, 2003: **1)** Change Order Report; **2)** Project Status Report: a. Update On Fire Station #2; b. Update On Fire Station #4; And **3)** Informational Items: a. Updated Calendar Of Scheduled Community Design Workshops.

ACTION: Written report submitted.

Item 1.

The Administration informed the Committee of change orders that had been approved since the last meeting.

Item 2.

The Administration informed the Committee that the Water Tanks and Pump Station portion of the Fire Station No. 2 project is moving forward. Construction should begin at the end of June 2003. Only the completion of the permitting process and the finalization of the documents for the temporary parking areas are pending.

The Administration informed the Committee that Bid Package 1 (relocation of the historic facility) of the Fire Station No. 4 project is being priced by the JOC contractor. The City anticipates receiving an estimate in early June. Similarly, the A/E (MC Harry and Associates) has completed the construction drawings to the 75% point for the construction of the new fire station (Bid Package 2), and will soon be issuing a revised estimate of probable cost. Once this information is received, it will be transmitted to the City Commission, and then construction activity on Bid Package 1 can begin.

Item 3.

The Committee was provided with an updated calendar of Community meetings.

C6D Report Of The Community Affairs Committee Meeting Of June 5, 2003: **1)** Discussion Regarding A Memorial In Honor Of The Late Joseph Nevel To Be Placed Somewhere In The Collins Park Area; **2)** Discussion Regarding Atlanta's Ordinance Addressing Outdoor Festivals; **3)** Discussion Regarding Clarification On The "Term Limit" Issues As It Applied To Sister Cities Committee Members; And **4)** Discussion To Consider The Appropriate Forms Of Recognition For Persons/Companies Donating Funds To The North Beach Youth Center.

ACTION: Written report submitted.

Item 1.

The Nevel Family requested for the fountain in Collins Park to be named as a memorial in honor of the late Joseph Nevel. The Committee voted unanimously to accept Commissioner Richard Steinberg's motion for the Nevel Family request to go to the City Commission for approval and, if approved, for the setting of a public hearing for the naming of the fountain in Collins Park. **Mayra Diaz Buttacavoli to handle.**

Item 2.

The ordinances and guidelines from other cities, including Atlanta, were briefly discussed. The Administration presented a series of proposed revisions to the City's existing guidelines, and requested the Committee's guidance and input, with particular emphasis on the process in which community input is obtained. Concern was expressed over the City's capacity, as to manpower, allocation of resources, parking, and traffic, of the City to hold an event(s). Vice-Mayor Luis R. Garcia, Jr., noted the policy used by the Fire Department in establishing manpower levels based on the attendance/occupancy of an event. The Administration will seek community input and bring a final proposed revised guideline to the Community Affairs Committee. **Donna Shaw to handle.**

Item 3.

The Committee members expressed their individual thoughts on implementing term limits to the appointments and the contributions of their participation to the program. A motion was made by Commissioner Richard Steinberg, seconded by Commissioner Gross, recommending establishing a 501 (c) 3 and sunset the existing Sister Cities Committee.

Item 4.

The Committee approved the concept of recognizing individuals donating to the North Beach Youth Center. Commissioner Saul Gross made a motion, seconded by Commissioner Richard Steinberg for the Administration and the North Beach Youth Center Oversight Board to develop a "named gift opportunity list." Once completed, the list is to be presented to the Community Affairs Committee. If recommended, the list will be forwarded to the City Commission for approval as required by Ordinance No. 99-3190. **Kevin Smith to handle. Mayra Diaz Buttacavoli to place list on the Community Affairs Committee agenda.**

C7 - Resolutions**C7A Re-Appointment Of Chief Special Master**

1. A Resolution Accepting The Recommendation Of The Miami Beach City Manager Concerning Appointment Of Judge Robert Newman To Serve As Chief Special Master, Commencing July 1, 2003, And Ending December 31, 2003, Or Until A Successor Has Been Appointed, Who Shall Be Authorized To Hold Hearings And Impose Fines, Liens And Other Non-Criminal Penalties Against Violators Of City Codes And Ordinances, And Shall Also Be Authorized To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct The Subject Hearings; Incorporating All Other Matters Set Forth Within City Of Miami Beach Resolution No. 98-22777 Concerning The Compensation And Duties Of The Chief Special Master.

ACTION: Resolution No. 2003-25225 adopted. Robert Parcher to handle.

2. A Resolution Accepting The Recommendation Of The City Manager Concerning The Appointment Of Judge Robert Newman To Serve As Chief Special Master Commencing July 1, 2003, And Ending December 31, 2003, Or Until A Successor Has Been Appointed, Who Shall Be Authorized To Hold Administrative Hearings Regarding Appeals From Citations For Violations Of Miami Beach City Code Chapters And Regarding Denials, Suspensions, And Revocations Of Occupational Licenses And Certificates Of Use, And To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct Such Hearings Pursuant To City Ordinances.

(City Clerk's Office)

ACTION: Resolution No. 2003-25226 adopted. Robert Parcher to handle.

City Clerk's Note: A copy of the Special Master Complaint Process is attached.

C7B A Resolution Electing Commissioner Matti Herrera Bower As Vice-Mayor For A Term Commencing On July 1, 2003, And Terminating On October 31, 2003, Or On Such Date When A New Vice-Mayor Is Thereafter Elected.

(City Clerk's Office)

ACTION: Resolution No. 2003-25217 adopted. Robert Parcher to handle.

C7C A Resolution Setting A Public Hearing To Consider Renaming Island View Park, Located At 18th Street And Purdy Avenue, To "Maurice Gibb Memorial Park."

(City Manager's Office)

ACTION: Resolution No. 2003-25227 adopted. Public hearing scheduled for July 2, 2003. R. Parcher to notice. Lilia Cardillo to place on the July 2nd Agenda. Mayra Diaz Buttacavoli to handle.

City Clerk's Note: 10 day notice.

- C7D A Resolution Setting A Public Hearing To Consider The Establishment Of A Memorial Gazebo Structure, To Be Known As The "Maurice Gibb Pavilion" To Be Erected At Island View Park, Located At 18th Street And Purdy Avenue.

(City Manager's Office)

ACTION: Resolution No. 2003-25228 adopted. Public hearing scheduled for July 2, 2003. R. Parcher to notice. Lilia Cardillo to place on the July 2nd Agenda. Mayra Diaz Buttacavoli to handle.

City Clerk's Note: 10 day notice.

- C7E A Resolution Approving A Change Order To Contract No. 32-00/01 For Supply And Installation Of Four (4) Cooling Towers At The Miami Beach Convention Center In The Amount Of \$49,823.71, To Weatherrol Maintenance Corp., For Additional Work Required To Complete The Project.

(Convention Center)

ACTION: Resolution No. 2003-25229 adopted. Doug Tober to handle.

- C7F A Resolution Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's Consolidated Plan To The Housing Authority Of The City Of Miami Beach (HACOMB) For Their Five Year Plan For Fiscal Years 2002-2006 And Their Annual Plan For Fiscal Year 2003, To Be Submitted By HACOMB To The U.S. Department Of Housing And Urban Development (HUD).

(Neighborhood Services)

(Deferred From May 21, 2003)

ACTION: Resolution No. 2003-25230 adopted. Vivian Guzman to handle.

- C7G A Resolution Approving And Authorizing The City Manager To Issue Certifications Of Consistency With The City's Consolidated Plan To Douglas Gardens Community Mental Health Center Of Miami Beach, Inc. To Utilize Funds Provided Directly By The U.S. Department Of Housing And Urban Development (HUD) To Continue Providing Housing To Formerly Homeless Persons With Disabilities At The Mayfair Hotel, 1960 Park Avenue, Miami Beach; To Continue Providing Case Management Services To Formerly Homeless Persons; To Continue To Operate And Enhance A Scattered Site Housing Program; And To Continue To Provide Supportive Services For Formerly Homeless Persons In Miami Beach.

(Neighborhood Services)

ACTION: Resolution No. 2003-25231 adopted. Vivian Guzman to handle.

- C7H A Resolution Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's Consolidated Plan To Barry University To Utilize Funds Provided Directly By The U.S. Department Of Housing And Urban Development (HUD) Through The Hispanic-Serving Institutions Assisting Communities Grant (HSIAC) Program To Provide Community-Based Services To The North Beach Area In Miami Beach.

(Neighborhood Services)

ACTION: Resolution No. 2003-25232 adopted. Vivian Guzman to handle.

- C7I A Resolution Approving The Third And Final One (1) Year Renewal Option To The Concession Agreement With Gold Star Parking Systems, Inc., For Valet Parking Services For The Miami Beach Convention Center And Jackie Gleason Theater Of The Performing Arts (TOPA); Said ~~Second~~ One (1) Year Option Commencing On September 15, 2003, And Expiring On September 14, 2004.
(Parking Department)

ACTION: Resolution No. 2003-25233 adopted. Saul Frances to handle.

Commissioner Smith stated that the title of the Commission Memorandum should be amended as follows: ".....Said ~~Second~~ One (1) Year.....". In addition in paragraph one under Analysis, the sentence: "The ~~first~~ second of three one (1) year renewal terms expires on September 14, 20023."

- C7J A Resolution Authorizing The Administration To Increase A Standing Order To Tropical Tents, Inc., For Continuing Rental Of One Custom Size Clear Span, Aluminum Frame Tent For Use As A Temporary Golf Cart Storage And Electrical Charging Facility At Miami Beach Golf Club, On A Month To Month Basis Not To Exceed Sixteen (16) Months From The Date Of Adoption Of This Resolution, For A Total Cost Not To Exceed \$69,400.
(Parks & Recreation)

ACTION: Resolution No. 2003-25234 adopted. Kevin Smith to handle.

ADDENDUM ITEM:

- C7K A Resolution Setting A Public Hearing, Pursuant To Section 90-221 Of The Miami Beach City Code, To Consider Raising The Franchise Fee Paid To The City By Private Waste Contractors From The Current Fee Of Fourteen Percent (14%) Of The Franchisees' Total Monthly Gross Receipts For Waste Removal In The City, To Sixteen Percent (16%) Of Said Gross Receipts.
(Public Works)

ACTION: Resolution No. 2003-25235 adopted. R. Parcher to notice. Lilia Cardillo to place on the July 30th Agenda. Fred Beckmann to handle.

ADDENDUM ITEM:

- C7L A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Interlocal Agreement Between Miami-Dade County And The City Of Miami Beach, For The Provision Of Alternative Public Transit, Known As The Electrowave Shuttle Service, To Miami Beach Residents And Visitors; The County -Required Agreement Carrying A Five-Year Term, Plus Three One-Year Options To Renew.
(Public Works)

ACTION: Resolution No. 2003-25236 adopted. Fred Beckmann to handle.

End of Consent Agenda

REGULAR AGENDA**R2 - Competitive Bid Reports****4:28:39 p.m.**

R2A Request For Approval To Rescind The Contract Award To Romano Brothers Construction, Inc., And Reject All Bids Received Pursuant To Bid No. 27-02/03 For The ADA And Public Interior Design Enhancement Renovations For The Miami Beach Jackie Gleason Theater Of The Performing Arts.
(Capital Improvement Projects)

ACTION: Romano Brothers Construction, Inc award rescinded. The Administration is to negotiate a contract with the second lowest bidder, Regosa Engineering, for Commission review on July 2. Motion made by Commissioner Smith; seconded by Commissioner Bower; Voice vote: 7-0. Gus Lopez to notify Romano Brothers. Tim Hemstreet to handle.

Commissioner Bower asked if the No. 2 bidder has been asked if hex can start work at a later time before the bids are rejected.

Jorge Gonzalez, City Manager, stated that he has a concern about Regosa Engineering holding their price for almost one-year. Construction is anticipated to begin in June/July of 2004. That means that they will have to hold their prices for a year. He stated that he would propose doing a guarantee maximum price (GMP) agreement. He stated that he is concerned with the possibility of change orders a year from now.

Jose Gomero, speaking on behalf of Regosa Engineering Inc., stated that they could get the project started and finished within the timeframe specified by the City without having to wait a year.

Tim Hemstreet, CIP Director, stated that the project was to begin June 29 and end September 30. He stated that the estimated number of days from Commission Award to construction commencement is 60 to 90 days to do the paperwork. The issue isn't if Regosa can do the work, it's an issue of processing the necessary paperwork to get into construction and to complete the work without impacting the TOPA.

Jorge Gonzalez, City Manager, stated that he does not want to take a chance of jeopardizing the peak fall season at the Miami Beach Jackie Gleason Theater Of The Performing Arts (TOPA). He recommended rescinding the contract that was awarded to Romano Brothers, reject all bids, and re-bid next year.

Commissioner Gross asked if Regosa Engineering would be willing to keep the same price but not start the work until next year (end of May / June 2004).

Jose Gomero, speaking on behalf of Regosa Engineering Inc., stated he would keep the price even though the work would not begin until next year.

Raul Aguila, First Assistant City Attorney, stated that if awarded to Regosa Engineering, contingent upon work starting a year from now, that Regosa Engineering will be required to release the City from any bid protests. **Tim Hemstreet and Legal to handle.**

Jorge Gonzalez, City Manager, recommended an award subject to discussions and at the July 2 Commission Meeting report on the discussions.

Motion made by Commissioner Smith to rescind the award to Romano Brothers Construction Inc.; seconded by Commissioner Bower; Voice vote: 7-0.

Motion made by Commissioner Bower to negotiate with Regosa Engineering and to place on

the July 2 Commission Agenda for approval; seconded by Commissioner Steinberg.

Commissioner Smith asked the Legal Department if the City could be subject to a bid challenge by the other bidders because the timeframe has been changed.

Raul Aguila, First Assistant City Attorney, stated that this is an issue that the Legal Department will be reviewing and will advise the Commission at the next meeting of any exposure to the City. **Legal Department to handle.**

Raul Aguila, First Assistant City Attorney, also stated that the Cone of Silence is imposed and that any negotiations with Regosa Engineering will need to be advertised.

Handout or Reference Materials

1. Letter from Raul Aguila, First Assistant City Attorney, to Bradford Thomas, Esq., dated June 10, 2003, RE: Response to Regosa Engineering, Inc.'s Amendment/Supplement to its May 19, 2003 Bid Protest Concerning Bid No. 27-02/03

R5 - Ordinances**2:02:53 p.m.**

R5A Revisions To The Parking Lots Or Regulations On Certain Lots (Ocean Drive)
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations" Of The Code Of The City Of Miami Beach, Florida, By Amending Section 142-1107, "Parking Lots Or Garages On Certain Lots" By Providing That Vacant Lots Fronting Ocean Drive That Existed As Of January 1, 1999 May Be Used For Provisional Or Temporary Parking Lots As Provided For In Sections 130-70 And 130-71 Of The Miami Beach City Code; Providing For Repealer, Codification, Severability And Effective Date. **10:30 A.M. First Reading, Public Hearing.**

(Planning Department)
(Continued From March 19, 2003)

ACTION: Public Hearing held. Motion made by Commissioner Bower to open and continue the public hearing to September 10, 2003 at 10:30 a.m.; seconded by Commissioner Cruz; Voice vote: 5-2; Opposed: Commissioners Smith and Steinberg. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Ronald Molko spoke and requested that this motion be deferred to the September meeting.

Motion made by Commissioner Smith to approve the Administrations recommendation; seconded by Commissioner Cruz. No vote taken.

Motion made by Commissioner Bower to open and continue the public hearing to September 10, seconded by Commissioner Cruz; Voice vote: 5-2; Opposed: Commissioners Smith and Steinberg.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

- R5B An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 12, "Arts, Culture, And Entertainment," Article II, "Special Events," By Inserting A New Section 12-6, Entitled "Parking For Special Events," Adopting Procedures For The Review And Approval Of The Use Of Public And Private Property Not So Permitted Under Existing Zoning To Be Used As Emergency Parking Lots For Special Events, Providing For Repealer, Codification, Severability, And An Effective Date. **10:45 A.M. Second Reading, Public Hearing.**
(Parking Department)
(Continued From April 30, 2003)

ACTION: Item withdrawn.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

4:27:11 p.m.

- R5C An Ordinance Amending Chapter 46 Of The Miami Beach City Code, Entitled "Environment," By Amending Article IV Thereof Entitled "Noise," By Amending Section 46-156 Thereof Entitled "Temporary Permits," By Providing For Construction Hours From 7:30 A.M. To 7:30 P.M. During Daylight Savings Time In Areas Zoned As CCC, GU, I-1, MR, CPS-1, CPS-2, CPS-3, CPS-4, RO, WD-1, WD-2, GC, HD, MXE, CD-1, CD-2, And CD-3; Providing For Repealer, Severability, Codification, And An Effective Date. **11:00 a.m. Second Reading, Public Hearing.**

(City Manager's Office)
(First Reading On May 21, 2003)

ACTION: Public Hearing held. **Ordinance Number 2003-3412 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 6-0; Absent Commissioner Cruz. R. Parcher to transmit to Municipal Code Corporation. Al Childress to handle.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

4:54:37 p.m.

- R5D An Ordinance Implementing Procedures To Provide Local Preference To Miami Beach-Based Vendors In The Award Of Contracts For Goods And General Services, By Amending Chapter 2 Of The Code Of The City Of Miami Beach Entitled, "Administration," By Amending Article VI Thereof Entitled, "Procurement," By Amending Division 3 Entitled, "Contract Procedures," By Creating Section 2-372; Providing For Codification, Repealer, Severability, And An Effective Date. **11:05 a.m. Second Reading, Public Hearing.**

(Procurement)
(First Reading On May 21, 2003)

ACTION: Public Hearing held. **Ordinance Number 2003-3413 adopted.** Motion made by Commissioner Smith; seconded by Commissioner Cruz; Ballot vote: 6-1; Opposed: Commissioner Gross. R. Parcher to transmit to Municipal Code Corporation. Gus Lopez to handle.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

6:04:43 p.m.

R5E Single Family Designation And Development Procedures
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 4, "Designation," By Amending Section 118-591 To Establish Requirements And Procedures Specific To The Individual Designation Of Single Family Homes, By Amending Section 118-593 To Clarify The Development Procedures For Properties Located In The Altos-Del-Mar Historic District; Providing For Repealer, Codification, Severability And An Effective Date.

11:10 a.m. Second Reading, Public Hearing.

(Planning Department)

(First Reading On May 21, 2003)

ACTION: Public Hearing held. **Ordinance Number 2003-3414 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 6-0; Absent: Vice-Mayor Garcia. R. Parcher to transmit to Municipal Code Corporation. Jorge Gomez to handle.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

4:55:54 p.m.

R5F Amendments To Sign Regulations
An Ordinance Amending The Code Of The City Of Miami Beach, Florida, Chapter 138, "Signs," Section 138-6, "Signs Located On The Underside Of Awnings Or Canopies," By Adding Standards For Signs On The Valance Of Awnings Or Canopies; Amending Sec. 138-7, "Window Signs," By Clarifying The Language In The Existing Regulations For "Open/Close" Type Of Signs; Providing For Codification; Repealer; Severability; And An Effective Date. **11:15 a.m. Second Reading, Public Hearing**

(Planning Department)

(First Reading On May 21, 2003)

ACTION: Public Hearing held. **Ordinance Number 2003-3415 adopted as amended - See City Clerk Handout Folder for the version distributed at the Commission Meeting and adopted.** Motion made by Commissioner Gross; seconded by Commissioner Smith; Ballot vote: 6-0; Absent Commissioner Cruz. R. Parcher to transmit to Municipal Code Corporation. Al Childress to handle.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald
2. Copy of the ordinance submitted at the Commission Meeting

7:10:22 p.m.**R5G Timeframes To Obtain A Building Permit**

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article IV, "Conditional Use Procedure," By Amending Section 118-193 To Amend The Required Time Frame To Obtain A Building Permit And The Procedures For Obtaining An Extension Of Time; By Amending Article VI, "Design Review Procedures," By Amending Section 118-258 To Amend The Required Timeframe To Obtain A Building Permit And The Procedures For Obtaining An Extension Of Time; By Amending Article VIII, "Procedure For Variances And Administrative Appeals," By Amending Section 118-355 To Amend The Required Timeframe To Obtain A Building Permit And The Procedures For Obtaining An Extension Of Time; By Amending Article X, "Historic Preservation," By Amending Section 118-532 To Amend The Required Timeframe To Obtain A Building Permit And The Procedures For Obtaining An Extension Of Time; Providing For Repealer, Codification, Severability And An Effective Date.

11:30 a.m. Second Reading, Public Hearing.

(Planning Department)

(First Reading On May 21, 2003)

ACTION: Public Hearing held. **Ordinance Number 2003-3416 adopted as amended.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 5-0; Absent: Vice-Mayor Garcia and Commissioner Cruz. R. Parcher to transmit to Municipal Code Corporation. Jorge Gomez to handle.

Amendment: Section 118-258(c) - 3rd sentence: "The foregoing ~~one year~~ 18-month time period...."

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

5:05:10 p.m.**R5H Restriction Of Outdoor And Open Air Entertainment In R-PS And C-PS Districts.**

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 18, "PS Performance Standard District," Sec. 142-693, "Permitted Uses," By Restricting Outdoor Entertainment Establishments And Open Air Entertainment Establishments In The RPS4, Residential High Density Performance Standards And GPS 1, 2, 3 And 4, Commercial Performance Standards Zoning Districts; Providing For Repealer, Codification, Severability, And An Effective Date. **5:01 p.m. Second Reading, Public Hearing.**

(Planning Department)

(First Reading, Public Hearing On May 21, 2003)

ACTION: Public Hearing held. **Ordinance Number 2003-3417 adopted.** Motion made by Commissioner Gross; seconded by Commissioner Bower; Ballot vote: 6-1; Opposed: Commissioner Steinberg. R. Parcher to transmit to Municipal Code Corporation. Al Childress to handle.

David Kelsey spoke.

Morris Sunshine spoke.

Robert Todak representing the Bentley Beach Hotel spoke.

Mike Burke spoke.

Frank Del Vecchio spoke.

David Haber, representing Portofino Tower Condominium Association, spoke.

Kent Harrison Robbins, Esq. representing 301 Ocean Drive, spoke.

Ruth Remington spoke.

Commissioner Gross requested that the interpretation of the ordinance by the Planning Department be written out and clearly memorialized. He suggested to adopt this ordinance and discuss any changes at the July 7, 2003 Commission Workshop.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald
2. Interoffice Memorandum from Jorge Gonzalez, City Manager, to Commissioner Simon Cruz, dated June 11, 2003, RE: South Pointe Housing Unit Information and Alcoholic Establishments Citywide.

2:41:46 p.m.

R5I An Ordinance Amending Chapter 6, "Alcoholic Beverages," Of The Code Of The City Of Miami Beach, Florida, By Amending Sections 6-40 And 6-41 "Total Nudity And Sexual Conduct Prohibited," And "Provisions Pertaining To Establishments Permitting Partial Nudity," To Allow Establishments Licensed As Adult Entertainment Establishments To Offer Partial And Total Nude Adult Entertainment And Alcohol; Providing For Codification, Repealer, Severability, And An Effective Date.

First Reading.

(Requested By Commissioner Simon Cruz)

ACTION: Referred to the Neighborhoods Committee for discussion. The Administration is to review the ordinance language, provide criteria to achieve the Planning Boards recommendations, and to place the new ordinance on the July 2, 2003 Agenda for first reading. Vivian Guzman to place on the Agenda. Jorge Gomez to handle.

Pablo Perez, Esq., representing Leroy Griffith and Club Madonna, spoke.

Commissioner Smith pointed out several mistakes in the ordinance.

Commissioner Bower requested the item be referred to Committee.

The Commission requested that some type of conditional use concept or review be included.

R6 - Commission Committee Reports

7:14:14 p.m.

R6A Verbal Report Of The Joint Finance And Citywide Projects And Land Use And Development Committee Meeting Of June 4, 2003: 1) To Review And Discuss The Final Draft Of The Supply/Demand Component Of The Walker Parking Citywide Parking Demand Analysis; And 2) Briefing On Issuance Of Remaining Authorization Of G.O. Bonds.

ACTION: Written report submitted at the Commission Meeting. Discussion held. Report accepted without objection by the City Commission. Absent: Vice-Mayor Garcia and Commissioner Cruz.

Jorge Gonzalez, City Manager, stated that the Administration has met with the consultants. If the studies areas were to be included as full studies, it would cost another \$200,000. The Administration recommends not doing the studies. The Administration knows in general where the parking deficiencies are. These areas can be included in the alternative analysis which is already being conducted. It doesn't make sense, at this price, to further refine the study.

Commissioner Steinberg stated that he was shocked that the consultants are charging one-third more for an area which probably is 10% of the size of the original scope which was a citywide Parking Demand Analysis.

1. The Joint Committees directed the Administration to bring back, once revised, the Walker Parking Citywide Parking Demand Analysis to a future joint meeting of the Finance and Citywide Projects Committee and the Land Use and Development Committee, incorporating the following recommendations:

- addition of the following four areas to the demand analysis:
 1. Flamingo Neighborhood
 2. Sunset Harbor
 3. Altos del Mar (West Section)
 4. 63rd Street to 69th Street (from the Atlantic Ocean to Indian Creek). **See City Manager's statement above.**
- proceeding with the Alternatives and Financial Analysis while incorporating additional lots/parcels currently available but not listed in the analysis, both privately held and City owned, as viable options for parking expansion. **Saul Frances to handle.**

The Joint Committees further directed the Administration to bring to the full Commission a discussion from a policy perspective to support the applicant's pursuit of a variance for the property known as the "Rabina Lot" located at the corner of 5th Street and Collins Avenue (formerly Hyde Park Market), allowing for the construction project currently in process at said property to add an additional floor to their plans in order to accommodate an on-site parking garage at no direct cost to the City and benefiting the City by adding over one hundred parking spaces to the South Beach Area. **Kevin Crowder to handle.**

2. The Committee approved the proposed issuance of the remaining authorization of the General Obligation Bonds in the amount of \$62,465,000 and authorized the City Manager and Chief Financial Officer to continue to pursue this transaction through a negotiated sale. **See Agenda item R7D.**

Handout or Reference Materials

1. Copy of the written report submitted at the Commission Meeting.

R7 - Resolutions

4:25:56 p.m.

R7A A Resolution Following A Duly Noticed Public Hearing Pursuant To Section 163.361(2) Florida Statutes To Consider Same, Accepting The Recommendations Of The Miami Beach Redevelopment Agency (RDA), As Set Forth In RDA Resolution No. _____, Recommending Approval Of Certain Amendments To a) The City Center Historic Convention Village Redevelopment And Revitalization Area Plan, And b) The South Pointe Revitalization Strategy Plan, Approved Redevelopment Plans Under The Provisions Of Sections 163.360, Florida Statutes; Said Amendments Providing For The Implementation Of Community Policing Innovations Within The Respective City Center And South Pointe Redevelopment Areas, As Provided For In Sections 163.340, 163.350, 163.356, 163.360, 163.361, And 163.370, Florida Statutes. **10:00 a.m. Public Hearing / Joint City Commission And Redevelopment Agency.**

(Economic Development)
(Continued From May 21, 2003)

ACTION: Public Hearing held. **Heard in conjunction with RDA Item 3A. Resolution No. 2003-25237 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Smith; Voice vote: 5-0; Absent: Vice-Mayor Garcia and Commissioner Cruz. Christina Cuervo to handle.

City Clerk's Note: See R7E and RDA - 3A

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

1:44:38 p.m.

R7B A Resolution Accepting The Ranking Of The Proposals Received For Group Employee Benefits Pursuant To The Request For Proposals Issued February 14, 2003, By Arthur J. Gallagher And Co., The City's Broker For Group Employee Benefits, Authorizing The Administration To Enter Into Negotiations With Humana, The City's Current Group Medical Provider, For Renewal Of The Group Medical Program And, If Successful, Authorizing The Mayor And City Clerk To Execute An Agreement, For An Estimated Annual Premium Not To Exceed \$14,000,000; Authorizing The Administration To Enter Into Negotiations With Compbenefits, The City's Current Group Dental Provider, For Renewal Of The Group Dental Program And, If Successful, Authorizing The Mayor And City Clerk To Execute An Agreement, For An Estimated Annual Premium Not To Exceed \$520,000; Authorizing The Administration To Enter Into Negotiations With Hartford, The City's Current Provider Of Group Life, Supplemental Life And Statutory Life Insurance, For Renewal Of The Group Life, Supplemental Life And Statutory Life Insurance Program And, If Successful, Authorizing The Mayor And City Clerk To Execute An Agreement, For An Estimated Annual Premium Not To Exceed \$415,000; Authorizing The Administration To Enter Into Negotiations With Fringe Benefits Management Company To Provide A Flexible Spending Program And, If Successful, Authorizing The Mayor And City Clerk To Execute An Agreement, For An Estimated Annual Amount Not To Exceed \$8,000 And, If Unsuccessful, Authorizing The Administration To Enter Into Negotiations With United Group Programs, Inc., The City's Current Provider Of The Flexible Spending Program; Authorizing The Administration To Enter Into Negotiations With The Comprehensive Companies, The City's Current Broker For Voluntary Benefits And, If Successful, Authorizing The Mayor And City Clerk To Execute An Agreement; Further Rejecting The Bid From Pre-Paid Legal, Inc. As The Sole Bidder For A Voluntary Legal Plan; Rejecting The Bid From AARP For Supplemental Medicare Insurance As The Sole Bidder For Supplemental Medicare Coverage.

(Human Resources)

ACTION: Resolution No. 2003-25238 adopted. Motion made by Commissioner Gross; seconded by Commissioner Smith; Voice vote: 6-1; Opposed: Vice-Mayor Garcia. T.C. Adderly to handle.

Jerry Buechler, member of the Group Health Insurance Task Force, spoke. He stated that he has one issue regarding the City's contribution formula. The Task Force's report recommends that the City's contribution formula for active employees should be 80 to 100% of the individual employee's cost as opposed to the City's language stating individual standard benefit plan.

Glen Volk, Consultant with Gallagher Benefit Services, spoke.

2:11:25 p.m.

R7C A Resolution Approving The Third And Final One (1) Year Renewal Option To The Agreement With Apcoa/Standard - VIP Parking System To Supply Parking Cashiers/Attendants And Supervisors For The City's Parking System; Said Third And Final One (1) Year Option Commencing On August 4, 2003, And Expiring On August 3, 2004; Further Approving An Amendment To Section Three Of The Agreement, Entitled "Compensation," Increasing The Hourly Fixed Fee By Five Percent (5%) For Parking Cashiers/Attendants And Supervisors.

(Parking Department)

ACTION: Resolution No. 2003-25239 adopted. Referral to the Transportation and Parking Committee. Motion made by Commissioner Steinberg to approve the resolution and to refer to the Transportation and Parking Committee the staffing policy for their review; seconded by Commissioner Bower; Voice vote: 7-0. Saul Frances to handle.

Commissioner Steinberg asked how the level of staffing is determined.

Saul Frances, Parking Department Director, stated that historical data is reviewed to determine the level of staffing and Chuck Adams, Assistant Director, makes the determination. He also stated that there may be more than one attendant at a lot because of security concerns or to make sure that there are available parking spaces.

4:22:11 p.m.

R7D A Resolution Authorizing The Issuance Of Not To Exceed \$62,465,000 In Aggregate Principal Amount Of City Of Miami Beach, Florida General Obligation Bonds, Series 2003, To Pay Costs Of A Portion Of A Project Described Herein And Costs Of Issuance; Providing That Such General Obligation Bonds Shall Constitute General Obligations Of The City And That The Full Faith, Credit And Taxing Power Of The City Shall Be Irrevocably Pledged For The Payment Of The Principal Of And The Interest On Such General Obligation Bonds; Making Certain Covenants And Agreements In Connection Therewith; Providing Certain Details Of The Bonds; Delegating Certain Matters In Connection With The Issuance Of The Bonds To The Mayor; Authorizing The Negotiated Sale Of The Bonds To The Original Purchasers; Appointing A Paying Agent And A Bond Registrar; Approving The Form And Execution Of A Bond Purchase Agreement; Providing For A Preliminary Official Statement And Authorizing The Execution Of An Official Statement; Authorizing Obtaining A Bond Insurance Policy And Any Necessary Covenants With Respect Thereto; Covenanting To Provide Continuing Disclosure In Connection With The Bonds In Accordance With Securities And Exchange Commission Rule 15C2-12 And Authorizing The Execution Of A Commitment With Respect Thereto; Authorizing A Book-Entry Registration System For The Bonds; Authorizing Certain Officials And Employees Of The City To Take All Actions Required In Connection With The Issuance Of Said Bonds; And Providing An Effective Date.

(Finance Department)

ACTION: Resolution No. 2003-25240 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Cruz; Voice vote: 7-0. Patricia Walker to handle.

NEW ITEM:

Commissioner Bower stated that to her husband turns 75 today and she wished him a happy birthday. She stated that she appreciates and loves him very much and thinks of him even on Commission meeting days. She also stated that she would be presenting him with a Certificate of Appreciation, signed by the Mayor, tonight.

4:26:27 p.m.

R7E A Resolution Passing And Adopting An Amendment To The Interlocal Cooperation Agreement By And

Between The City Of Miami Beach And Metropolitan Dade County, Dated November 16, 1993; Said Amendment Confirms The Delegation Of Powers From Miami -Dade County To The City Of Miami Beach, And In Turn To The Miami Beach Community Redevelopment Agency, To Implement Amendments To The City Center Historic Convention Village Redevelopment And Revitalization Area Plan.

(Economic Development)

ACTION: Resolution No. 2003-25241 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 5-0; Absent: Vice-Mayor Garcia and Commissioner Cruz. Christina Cuervo to handle.

City Clerk's Note: see R7A and RDA - 3A

R9 - New Business and Commission Requests

R9A Board and Committee Appointments.

(City Clerk's Office)

Transportation & Parking Committee

Gerald K. Schwartz, MBTMA Representative Term expires 12/31/03

4:08:04 p.m.

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

ACTION:

Elizabeth Donnelly spoke on what she read on the newspaper for special parking for citizens attending City Commission meetings and none of the parking attendants knew anything about it. She stated that she is being treated unfairly by having to pay \$700 to speak to the City Manager and/or the Mayor to set up an office at her home, somebody else did not pay the \$700 so she is requesting a refund. She requested help from the City Manager on this refund. She stated that Mr. Parcher, in the City Clerk's Office, is the only one that returns her calls. **Mayra Diaz Buttacavoli to contact Ms. Donnelly.**

6:45:27 p.m.

R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION:

Benita Argos spoke on the arbitrary garbage fee. She stated this is a pass through tax that has gone up from 6% and is up to about 14% now and is not necessary.

Mike Thompson spoke on the intersection study done on the flyover. He stated the cars pile up there waiting for a light. He stated that the \$14,000 is a great investment.

Commissioner Steinberg stated that he would raise the money privately to do the study if the City does not do it. [See Agenda item R9J.](#)

Mike Burke spoke on the "Don Peebles Reality Show" this morning. He stated that an LOI is just an intent. Mr. Peebles found out what the City wanted. He does not understand why the City will revisit this issue.

Minnette Benson agreed with Mr. Burke's remarks. She stated that she is disappointed that the Commission does not have the backbone that the Capital Improvement Project has.

David Kelsey spoke on the issue of the flyover and stated that the City Commission should spend the money to do the study. He asked the members of the Commission that voted against it to reconsider. He is

also concerned about the report C6A on the agenda. The report does now show the objections of the business community.

6:06:49 p.m.

R9C Discussion Regarding Proposed Amendments To Existing Debarment And Lobbying Ordinances

1. An Ordinance Amending Miami Beach City Code, Chapter 2, Article VI, Division 5, Entitled "Debarment Of Contractors From City Work," By Amending Section 2-404, Entitled "Debarment Of Contractors From City Work," By Creating A New Subsection 2-404(a)(5), Providing For Debarment Of A Contractor, Or Any Affiliates, Who Has Been Debarred By A Public Agency Or Other Governmental Entity (Other Than The City Of Miami Beach) Up To Two Years Prior To The Date On Which The Contractor Submits An Offer For Award Of A City Contract, Or Conducts Business With The City As An Agent, Representative Or Subcontractor Of Another Contractor; Amending Section 2-406, Entitled "Period Of Debarment," By Creating A New Subsection 2-406(b)(5), Providing For Guidelines In The Period Of Debarment For Violations Under Subsection 2-404(a)(5); Providing For Repealer; Severability; Codification; And An Effective Date.
2. An Ordinance Amending Miami Beach City Code, Chapter 2, Article VII, Division 3 Entitled "Lobbyists," Section 2-485.1 Entitled "Penalties," Subsection (a) Thereof, By Providing That Violations Of The Lobbyist Laws Of Miami-Dade County Shall Subject Lobbyists To Penalties; Providing For Repealer; Severability; Codification; And An Effective Date.

(Requested By Commissioner Jose Smith)

(Deferred From May 21, 2003)

ACTION: Item referred. Motion made by Commissioner Smith to refer to the Community Affairs Committee; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Vice-Mayor Garcia. Mayra Diaz Buttacavoli to place on the Agenda. Gus Lopez and Legal Department to handle.

Commissioner Smith gave an overview of the ordinances and requested a referral.

R9D Discussion Regarding The Status Of Altos Del Mar Park.

(Requested By Commissioner Jose Smith)

(Deferred From May 21, 2003)

ACTION: Written report submitted. See Commission Memorandum dated May 21, 2003, RE: Altos Del Mar Park. Also discussed by the City's State Lobbyist - See Action Report "E".

2:16:32 p.m.

R9E Presentation By The Florida Department Of Transportation Regarding A Proposed Roadway Safety Project For Harding Avenue, From 88th Street To 75th Street.

(Requested By Vice-Mayor Luis R. Garcia, Jr.)

(Deferred From May 21, 2003)

ACTION: Discussion held. Resolution 2003-25242 adopted. Motion made by Commissioner Steinberg stating that parking should be on one side of the street only, and that City of Miami Beach still objects to the FDOT recommendations, as this is a safety concern; seconded by Commissioner Gross; Voice vote: 7-0. **Fred Beckmann to handle.**

Gus Pego, Director of Operations, District 6, Florida Department of Transportation (FDOT), spoke.

Craig Miller, FDOT consultant, gave a presentation.

Rory Santana, FDOT traffic engineer, spoke.

Discussion held.

Barry Klein, President of the North Beach Development Corporation, spoke.

Motion made by Commissioner Steinberg that parking should be on one side of the street only, and that the City of Miami Beach still objects to the FDOT recommendation. This is a safety concern. Administration to issue a letter expressing the concern of the City Commission that this is a safety concern; seconded by Commissioner Gross; Voice vote: 7-0. **Fred Beckmann to handle.**

7:12:46 p.m.

R9F Discussion Regarding A Resolution Authorizing The City Manager To Take All Necessary Steps To Provide The Public With The Ability To Register For E-Mail Updates With Regard To City Commission Agendas, After Actions, And Meeting Notices, And To Expedite The Development Of The City's Capabilities With Regard To Online Parking Decal Renewals And The Sale Of Parking Cards, In An Effort To Increase Civic Participation And Convenience.

(Requested By Commissioner Richard L. Steinberg)

(Deferred From May 21, 2003)

ACTION: Discussion held. Resolution No. 2003-25243 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 50: Absent: Vice-Mayor Garcia and Commissioner Cruz. Kay Randall, Saul Frances, and Robert Parcher to handle.

Jorge Gonzalez, City Manager, stated that in some cases the Administration might be limited by technology.

Commissioner Steinberg stated that he understands the technology limitations and to do whatever is technically possible.

4:11:53 p.m.

R9G Discussion Regarding The Status Of The Negotiations Between The Administration And CWA On The IZOD Company Uniform Sponsorship.

(Requested By Commissioner Richard L. Steinberg)

(Deferred From May 21, 2003)

ACTION: Discussion held.

Richard McKinnon, CWA President, read a statement into the record.

Jorge Gonzalez, City Manager, stated that there was an opportunity for corporate sponsorship for some of the expenses. He stated that the opportunity was lost since the union will not agree to this.

7:13:53 p.m.

R9H Discussion And Referral To Community Affairs Committee, Regarding Changes To Miami -Dade County's Lobbying Ordinance.

(Requested By Mayor David Dermer)

ACTION: Discussion held. Item referred. Motion made by Commissioner Bower to refer the item to the Community Affairs Committee; seconded by Commission Smith; Voice vote: 5-0; Absent: Vice-Mayor Garcia and Commissioner Cruz. Mayra Diaz Buttacavoli to place on the agenda. Legal Department to handle.

10:32:34 a.m.

Report On Discussion Relating To The Royal Palm Hotel.

(Requested By Mayor David Dermer)

ACTION: Discussion held.

Mayor Dermer stated that at the last Commission Meeting the Commission had asked him to sit with Mr. Peebles and convey some of the Commission's sentiments. He and Raul Aguilera, First Assistant City Attorney, met with Mr. Peebles. He asked Mr. Peebles if it would be possible to roll back to the previous LOI without conditions. Mr. Peebles declined. Mr. Peebles forwarded, in writing, a new offer.

Mr. Don Peebles, President and CEO of Peebles Atlantic Development Corporation and the majority owner of Royal Palm Hotel on South Beach, gave an overview of the history and actions taken.

Dr. Larry Capp, representing the president of the Florida Conference of the NAACP branch, spoke.

Minister Donald Irving Jr., Founder/Winning Team Ministries, Inc. spoke.

Reverend Larry Lovett, board member with PULSE, People United to Lead the Struggle of Equality, spoke.

Peter Kalin, President of HCF Group and a partner in the Royal Palm Hotel, spoke.

Jorge Gonzalez, City Manager, stated that his comments are not going to analyze or dispute what has been shared. His comments are based upon what has occurred since December 2001 when the City Commission directed the Administration to meet with Mr. Peebles to see if a resolution could be reached. Commissioner Cruz was appointed as the Commission liaison to the discussions. The discussions were centered on the environmental claims being made, the delay claims, and the allegations of full disclosures. The basic guidance given by the City Commission was to try to resolve the differences and do it in such a way that

there was not a net monetary loss to the City. For the past 18 months, the City Commission has been given progress updates. Many, many hours have been spent trying to work through the issues. On April 30, 2003, the Administration presented to the City Commission what was thought to be a good resolution to the issues. A resolution that Mr. Peebles, the Administration, and Commissioner Cruz were in agreement with. After 18 months of discussion and countless hours of discussions, the resolution proposed by Mr. Peebles today was never discussed. There were a lot of variations discussed such as rent abatement, condominium conversion, fractional shares, when payments on the \$10,000,000 would be paid, and all kinds of aspects of the current lease, but what is being presented to the Commission today was never discussed. There were never discussions regarding comparing this deal to the Loews deal. It was never the intent to go back and recreate the entire deal.

As of today, Mr. Peebles submitted his version of a Letter of Intent (LOI). The Administration has not been involved in the drafting of the Peebles LOI. He stated that he has reviewed Mr. Peebles version of the LOI and what is being proposed dramatically alters the financial aspects in the deal. The Peebles LOI has not received the scrutiny and negotiations which have taken place over the last 18 months. Based on what has been presented to this Commission today, the Commission is being asked by Mr. Peebles to vote on the Peebles LOI. The Peebles LOI reduces the current annual rent by more than \$400,000 a year. Extrapolated over 25-years there is a difference of over \$10 million dollars just in base rent. It proposes increasing the threshold in which incentive rent might begin to be paid from approximately \$18 million dollars to \$21 million dollars, which is nearly a \$4 million dollar increase before the City would begin seeing incentive rent. Based on the first year of operations for the Royal Palm, resort tax reports, considering hotel, food, beverage and alcohol, the first year's gross was approximately \$12.5 million dollars. In order for the City to get the \$21 million dollar threshold being proposed, there would need to be an increase in gross revenues of nearly 75%. It proposes the elimination of the requirement that the \$10 million dollars must be paid out within 25 years. It also eliminates the refinancing requirements that are currently in the lease that would have any excess equity come to the City sooner. It eliminates the payment of legal fees that had been negotiated as part of the April 30 LOI. In addition, the back rent would be handled as indicated in the April 30 LOI, relative to the rent prior to the opening, May 15. Post May 15 rent, the Peebles LOI is proposing a new calculation which is a \$400,000 decrease on an annual basis.

Jorge Gonzalez, City Manager, added that his concern is twofold: First, what is being proposed is a dramatically different financial arrangement which is not in keeping with the guidance of this Commission; and secondly, the manner in which the proposal is being made. The Administration has been left out of the loop. He cautioned the Commission against negotiating from the dais and stated that he could not recommend the City Commission to accept the deal at this time.

Discussion continued.

Summary:

1. Explore extending the term of the contract from 25 years to some other period, perhaps 99 years. When the return comes to the City, it will need to be dealt with. The City may want to define periods of when the City will get some of the 5% accrued interest.
2. Related to the rent, there is no sentiment on the Commission to reduce the rent, but there is some flexibility on ramping up and making it up along the way (relatively short period of time, may be a year or two). There needs to be discussion on how the rent for the period of time between May 15, 2002 until June 1, 2003 will be paid.
3. The 4/30 LOI will be the base for the negotiations.
4. That rent (1/12 of the \$490,000) will be paid begin June 2003.
5. The Administration is to report back September 10 or, because of travel schedules, the second meeting in September with a final agreement.
6. Whatever rights the City has today will continue (rights as of today will not be adversely affected).
7. Allowance for turning the Shorecrest Hotel into condominium units which is in the April 30 LOI. This is

- where a lot of the equity could be extracted to makeup the overrun.
8. Commissioner Smith will act as the liaison to the negotiations.

There was a discussion regarding the sale of the hotel.

Jorge Gonzalez, City Manager, stated that the April 30 LOI included a tolling agreement. The tolling agreement is at a standstill as of today. The City can eliminate the concept of a tolling agreement and a Letter of Intent (LOI) and come to the Commission in September with a lease amendment and final documents.

Murray Dubbin, City Attorney, stated that whatever rights either party has today will be fixed as of today. The Agreement will deal with the tolling issue.

Mayor Dermer requested a status report for the Commission meeting of July 30, 2003.

Commissioner Gross stated that the reason there was an LOI is that it triggered Mr. Peebles obligation to pay the back rent. Since the Commission is going to allow the issue of back rent to be negotiated, the Commission can look at the LOI at the July 30 meeting and accept it or reject it. The main reason to sign the LOI was to pay the rent. If the Commission at the July 30 meeting accepts the LOI then documents can be prepared.

Mr. Peebles asked if the target is to reach a business agreement by the end of July.

Jorge Gonzalez, City Manager, stated, yes.

Mr. Peebles stated because of travel time for both the City Manager and himself that the target should be September.

Handout or Reference Materials

1. Document titled "Letter of Intent to amend Royal Palm Crowne Plaza Resort Agreement". City Clerk's note: Documents is referred to in the Afteraction as Peebles LOI.
2. Unsigned letter to the Honorable Mayor David Dermer, from Minister Donald Irving, Jr. Founder/Winning Team Ministries, Inc., Elder Kelly Johnson, CEO / United Body of Jesus Christ - CEO / World's Greatest Carpet Cleaners, Donald Bailey, Chief Advisor / Hallowed Hills, Inc., Thomas Demeritte, CEO / Tavette Entertainment Group, Kevin Harris, CEO / K H Innovations, Inc., and Amos Saunders, CEO / Prolific Multimedia, Inc.
3. Booklet titled "The Royal Palm on South Beach," City of Miami Beach Commission Meeting June 11, 2003 - submitted by Peebles Atlantic Development Corporation.

6:07:52 p.m.

R9J Discussion Regarding The Funding Of Consultant Service For The Study For The 63rd Street Flyover.

(Requested By Commissioner Richard L. Steinberg)

ACTION: Discussion held.

Commissioner Steinberg reviewed the information presented in an email included in the Supplemental Materials. In the email he stated:

Review the FDOT and Corradino traffic studies of the Indian Creek Drive at 63rd Street and specifically:

- 1: Perform mid-day LOS analysis versus only AM and PM peaks for all three alternatives.
2. Was the pedestrian crosswalk at 63rd Street and Indian Creek Drive considered in the LOS analysis? If not, what impact would it have on the LOS?
3. Did all three alternatives have the same number of lanes on Indian Creek at 65th Street? If not, what impact would it have on the LOS if the same lane configuration (the Alternative 1 configuration) was used for all three alternatives?
4. Confirm LOS data for 63rd and Indian Creek Eastbound through movement which indicates identical LOS in Alternatives 2 & 3 despite the removal of the westbound left turning movement and signal phase in Alternative 2. If the LOS changes with the removal of the westbound left turning movement and signal phase, what impact would it have on the LOS?

Discussion held.

Motion made by Commissioner Steinberg to direct the City Manager to fund the study to answer the four issues; seconded by Commissioner Smith; Ballot vote: 3-4; Opposed: Vice-Mayor Garcia, and Commissioners Bower, Cruz, and Gross.

City Clerk's Note: See Commissioner Steinberg's comments regarding this item (R9B(2)).

Handout or Reference Materials

1. Color aerial photograph

7:16:06 p.m.

ADDENDUM ITEM:

R9K Discussion regarding Rapid Transit.

(Requested by the City Manager's Office)

ACTION: Discussion held.

Jorge Gonzalez, City Manager, stated that at the Commission Workshop on June 9, there were questions raised regarding the MPO approval dates. He stated that it is still a good idea to hold the Special Commission Meeting on July 10, 2003. With regards to when the City needs to give an answer to the MPO, the latest information is that the MPO would like to hear a report from the City by their July 24, 2003 meeting. He explained that the MPO will be able to hear a verbal report from Commissioner Smith, but will not be able to vote on that report until their following meeting in September because it did not meet their agenda deadlines.

Commissioner Smith requested the Administration place an item on the MPO agenda identifying the action taken by the City of Miami Beach and request this item be placed on the MPO's September Agenda. He instructed the Administration to contact Jose Luis Mesa, Executive Director of Metropolitan Planning Organization (MPO), to make sure that the City follows the procedures.

Jorge Gonzalez, City Manager, stated that the Administration has been talking to Jose Luis Mesa, Executive Director of Metropolitan Planning Organization (MPO) and that he is aware of this request. He also stated that at the July 10, 2003 Special City Commission meeting the consultants will give their first report.

Charles Hales, Consultant for the City of Miami Beach Rapid Transit project, stated that he provided the City Manager with an item by item response to the questions raised at the June 9, 2003 Commission Workshop by members of the Commission and the public. He stated that some significant issues such as an origin and destination study do not need to be addressed now. He further stated that this report is needed but not to make the "Locally Preferred Alternative" (LPA) decision.

Commissioner Steinberg asked how long it will take to do an origin and destination study.

Charles Hales responded it will take six months.

Mayor Dermer asked the consultant if he stands by the figures he gave at the June 9, 2003 Commission Workshop as to the number of people and the cost per person.

Charles Hales stated that they are reviewing the figures presented at the workshop and did not create them. They do not stand by those numbers. They will issue an opinion after the review.

Mayor Dermer asked if the consultant will be able to give a complete opinion on those numbers without having an origin and destination study.

Charles Hales responded that they will be able to accomplish everything on their scope of work without an origin and destination study.

Commissioner Bower stated that all the details come at the second phase of the process and she is concerned that the City can decide on the mode before knowing ridership.

Jorge Gonzalez, City Manager, asked if a municipality makes an election on the locally preferred alternative mode and route and proceeds to the FEIS stage of the process, does the municipality still have the ability to stop the project?

Charles Hales explained that if the City wants to end its support of the project after the FEIS is completed all it has to do is inform the MPO and the Federal Transit Administration that this City no longer supports the project. The City is in no danger of having it built over their objections.

Commissioner Gross requested the consultant to put that statement in writing.

Charles Hales stated that they will put it in writing.

Commissioner Gross stated that the City needs the consultants to help them prove the need for rapid transit in Miami Beach and stated that it will be a condition of the Final Environmental Impact Statement (FEIS) and subject to the origin and destination study.

Charles Hales stated that there are a series of smaller issues that can be accomplished within the scope of work or could be minor additions to the scope work. He believes these additional items can be handled by City Manager authorization. He stated that he is comfortable with meeting the July 10 deadline.

R10 CITY ATTORNEY REPORTS

ADDENDUM ITEM:

R10A Notice Of Closed Executive Session

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On June 11, 2003 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement On The Following Cases:

La Gorce Country Club, Inc., Vs. City Of Miami Beach, Florida. Eleventh Judicial Circuit, General Jurisdiction Division, Case No. 03-12377 CA 30.

La Gorce Country Club, Inc., Vs. City Of Miami Beach, Florida, Etc. Third District Court Of Appeal, Case No. 3D03-1314; Lower Tribunal No. 02-210AP

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti Herrera Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard L. Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge M. Gonzalez, First Assistant City Attorney Debora J. Turner And First Assistant City Attorney Gary Held.

ACTION: Announced and held.

ADDENDUM ITEM:

R10B Notice Of Closed Executive Session

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On June 11, 2003 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement On The Following Case:

Da Mortgage, Inc., A Florida Corporation; 136 Collins Avenue, L.C.; A Florida Corporation Vs. City Of Miami Beach, A Florida Municipal Corporation; And Miami Dade County. United States District Court, Southern District, Miami Division, Case No. 03-20684 CIV -Martinez/Dube

ACTION: Announced and held.

Reports and Informational Items

- A City Attorney's Status Report.
(City Attorney's Office)

ACTION: Written report submitted.

- B Status Report On The Rehabilitation Project Of The Existing Building A nd The Addition To Fire Station No. 2.
(Capital Improvement Projects)

ACTION: Written report submitted.

- C Status Report On The General Obligation Bond Funded Project For The Rehabilitation Of Fire Station No. 4.
(Capital Improvement Projects)

ACTION: Written report submitted.

- D Informational Report To The Mayor And City Commission, On All Existing City Contracts For Renewal Or Extensions In The Next 180 Days, Which By Their Terms Or Pursuant To Change Orders Exceed \$25,000.
(Procurement)

ACTION: Written report submitted.

9:53:59 a.m.

- E Report On The 2003 State Legislative Session.
(Economic Development)

ACTION: Written report submitted.

Representative Dan Gelber stated that they represented the City on the Burt J. Harris issue and it was the most important and difficult issue for the City and for them. He complimented the City Commission and the City Attorney's Office for a fine job. He stated that the team prevailed because Gus Barreiro did a fine job and for the fine team of lobbyists the City has. He also acknowledged Representative Sorensen for a great job.

Mayor Dermer stated that our Representatives did a great job for all cities in the State of Florida.

Representative Dan Gelber stated that there is a movement to organized charter schools and explained that they made sure that when this issue comes up the numerical requirements will be such that the City of Miami Beach will be included if the City chooses to do so.

Murray Dubbin, City Attorney, stated his thanks and gratitude to Representatives Gelber and Barreiro for the comfort his office felt by having this kind of bipartisan support.

Representative Gus Barreiro stated that it is an honor for him to work with this delegation.

Commissioner Cruz thanked them for the fantastic representation they are giving the City.

Commissioner Steinberg thanked the delegation, the League of Cities, who got involved in this issue as well

since this is a statewide issue and stated that Representative Sorensen will be properly recognized for his effort.

Gary Rutledge, City's State Lobbyist, stated that he has never seen a more important and difficult issue to deal with on behalf of the City such as the **Burt J. Harris** issue and recognized Senator Margolis for her hard work, Gus Barreiro and the League of Cities for their effort. He gave a status report on other issues such as: reducing the Convention Center insurance claims by \$½ Million, the beach renourishment, revenue sharing information on sales tax, the minimum wage requirements, the living wages (maintaining an exemption for local government and their employees), but the City was not impacted, the sprinkler system and the retrofitting and whether or not condominium associations should have the ability to, by extraordinary vote of their members, delay it. The City did not want to have to referee individually by condominiums if the retrofitting should occur so there is a statewide uniform standard that allows the condominium associations under strict circumstances by an extraordinary vote to delay the retrofitting.

Commissioner Smith asked Mr. Rutledge to comment on the **Altos Del Mar** and the 11 contiguous lots. He stated that the City needs to know when those lots will be turned over to the City so that the City can build a park there.

Gary Rutledge, City's State Lobbyists, responded that they hope that that transfer will be completed in August, 2003. He explained that the delay had to do with the facts that when the State Cabinet size was reduced there was no authority because of the number of people needed to transfer the property, the other issue had to do with making sure that the title was in order, and also with the unique situation of the new people at the Department Environmental Protection that they were not transferring property when there was no money paid for.

Commissioner Smith stated that there is a side issue that there was a stipulation in the mid 1990s that if the state recovers its investment (about \$6M,) anything in excess of that amount will be returned to the City for the City to invest in those lots. He stated that it is his understanding that the other 11 lots were sold for over \$7M and he requested that if there are any funds due the City for that transaction to protect the City's interest in getting those funds back. **Christina Cuervo to handle.**

Gary Rutledge assured that he will look into that and will communicate with him and the City Manager.

Murray Dubbin stated that the Legal Department will work with Mr. Rutledge and also stated that the City spent over \$300,000 on this property and should at least be able to recover it.

Vice-Mayor Garcia spoke on the issue of **fire sprinklers**. He stated that now the condo associations have the power to decide the fire safety of the building.

Gary Rutledge stated that any diminishment in the requirements can only be done by affirmative action individually by the condominium associations by an extraordinary vote of 2/3 of the association members.

Commissioner Steinberg stated that there are some limitations in waving the requirements that sprinklers have to be kept in common areas and only wave it inside the apartments.

Vice-Mayor Garcia stated that the Fire Department needs to get involved as to how they feel about it, what type of input they have, and how they plan to go about it. He requested Administration to prepare a report on how many buildings have been approved. **Floyd Jordan to handle.**

Jorge Gonzalez, City Manager, stated that he will be glad to do it but also stated that Representative Gelber specifically requested that the Fire Chief write a letter and that letter was not supportive of the change being made. He explained that the City has taken a stand that they way it used to be was fine.

Vice-Mayor Garcia stated that a resolution should have been prepared on this issue since this is a very important issue.

Representative Barreiro explained that it has to be a super majority of the condo owners to agree to opt out but only with installing sprinklers within the apartments and it does not include the common areas. He stated that his office will provide the bill to the Commission for their review.

Commissioner Bower requested to be kept informed on the issue of the Charter Schools and also she requested in writing the items that failed. She requested to be kept updated on the issue of the living wage. She offered her help and support in anything she can do for these issues.

Gary Rutledge stated that he will commit on any further attempts to alter the living minimum wage issue to advise her and to get the information as to status of the Charter School legislation.

Commissioner Smith requested to know what happened with regards to the cutting of funds to the cities for affordable housing.

Gary Rutledge stated that it had a happy ending that the attempt to cut those funds was not successful and will follow up with more detail on this issue.

7:41:20 p.m.

F Status Report On The North Shore Park And Youth Center Project.
(Capital Improvement Projects)

ACTION: Written report submitted.

Commissioner Smith stated that he visited the Youth Center and the entire park and gave a status report. He stated that a lot of progress is being made. The Youth Center looks fantastic and is on time and within budget. The ball fields are looking great and should be ready by this summer. The issue at Youth Center is security. There are a couple of rooms where you cannot see into the room. This presents a security concern. He requested the Administration to research perhaps putting cameras in the room or glass around the doors, or any other way to deal with the issue of security.

Jorge Gonzalez, City Manager, stated that the project is going quite well. The Administration wants to get additional information from the Fire Department, the engineers, and the users of the building. Safety is important and everything that can be done will be done.

Joe Fontana spoke.

Mike Thompson spoke.

- G An Analysis Of Budget To Actual Revenues And Expenses For The Seven Months Ended April 30, 2003, With Operating Budget Projections Through September 30, 2003 For General, Enterprise, And Internal Services Funds.

(Finance Department)

ACTION: Written report submitted.

- H Non-City Entities Represented By City Commission:

1. Minutes From The Performing Arts Center Trust Board Meeting Of April 8, 2003 And Agenda For The May 13, 2003 Meeting.

(Requested By Commissioner Matti Herrera Bower)

ACTION: Written report submitted.

2. Information Provided By The Performing Arts Center Trust Regarding The Impact Fee Review Board.
(Requested By Commissioner Matti Herrera Bower)

ACTION: Written report submitted.

3. Agenda For The Miami Beach Transportation Management Association, Inc. May 14, 2003 Executive Board Meeting.

(Requested By Commissioner Matti Herrera Bower)

ACTION: Written report submitted.

7:46:25 p.m.

NEW ITEM: NORMANDY POOL

Commissioner Bower heard that there is no money for the park, but the City is doing a walkway around the pool and that there is debris in the area which is not being picked up. She cannot believe that there is no money to remove the debris and plant grass.

Jorge Gonzalez, City Manager, added that he heard this as well and will get the facts regarding the debris. Regarding funding, he stated that some additional funding has been identified through the Community Development Block Grant program from \$100,000 to \$130,000. It needs to go to the public comment process and then to the Commission for approval and also through the Quality of Life Program there may be some funding available. He stated that he will follow up on this and the debris is not going to be left in the middle of the park. **Tim Hemstreet to handle.**

7:48:18 p.m.

NEW ITEM: 10 STREET AUDITORIUM ROOF

Commissioner Gross requested an update on the roof for the 10th St. Auditorium. He is concerned that this is the rainy season and the exhibit about the history of the Art Deco District is being destroyed.

Fred Beckmann, Public Works Director, stated that the permit is being completed this week and after that the contractor has 60 days to complete the re-roofing. The damage suffered the last time it rained should not happen now because the temporary patching of the roof has been completed.

End of Regular Agenda

**Miami Beach Redevelopment Agency
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
June 11, 2003**

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board Luis R. Garcia, Jr.
Member of the Board Saul Gross
Member of the Board Jose Smith
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Assistant Director Christina M. Cuervo
Assistant Director Mayra Diaz Buttacavoli
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL

2. OLD BUSINESS

A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Month Of April 2003.

ACTION: Written report submitted.

4:25:15 p.m.

3. NEW BUSINESS

A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency, Recommending To The Mayor And City Commission Of The City Of Miami Beach, Florida, Approval Of Certain Amendments To a) The City Center Historic Convention Village Redevelopment And Revitalization Area Plan, And b) The South Pointe Revitalization Strategy Plan, Approved Redevelopment Plans Under The Provisions Of Sections 163.360, Florida Statutes; Said Amendments Providing For The Implementation Of Community Policing Innovations Within The Respective City Center And South Pointe Redevelopment Areas, As Provided For In Sections 163.340, 163.350, 163.356, 163.360, 163.361, And 163.370, Florida Statutes. **Joint City Commission And Redevelopment Agency.**

ACTION: Heard in conjunction with Item R7A. Discussion held. Resolution No. 454-2003 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 5-0; Absent: Vice-Mayor Garcia and Commissioner Cruz. Christina Cuervo to handle.

End of RDA Agenda

Meeting adjourned at 7:50 11 p.m.